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09/731,981	12/08/2000	Tatsu Inoue	Q62169	1757

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EXAMINER	
LAMBRECHT, CHRISTOPHER M	
ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/731,981	INOUE, TATSU	
	Examiner	Art Unit	
	Christopher M. Lambrecht	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 November 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-11 and 14-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-11 and 14-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4 November 2005 have been fully considered but they are not persuasive. In particular, Applicant submits:

(a) regarding the rejections of claims 1, 11, and 25, the cited portions of Klosterman fail to teach or suggest a set start and end time which are determined in advance (Applicant's remarks, p. 13);

(b) regarding the rejections of claims 5, 15, and 26 the cited portions of Knowles fail to teach a set time range and automatic position of the changed and selected program cell (Applicant's remarks, p. 15).

In response to (a), Examiner submits that the cited portions of Klosterman teach a set start and end time which are determined in advance, contrary to Applicant's argument. As indicated in the previous Office action, and reiterated herein, the cited portions of Klosterman disclose that the time shown for the schedule information is the "current time". Examiner submits that this range of schedule information in fact constitutes a "time band", and that the fact that the schedule information shown is set to include the current time (plus some time range, e.g., one hour as shown in fig. 4(a) of Klosterman) requires that this particular time band (e.g., current time + 1 hour), *which has a start time and an end time, be set in advance.*

Examiner notes that the terms *predetermined* and *in advance*, in the context of the claims, require that the *setting* of said time band precede the associated events: *extracting and displaying*. The displaying of the program information associated with the particular time band illustrated in Klosterman is evidence in of itself that the corresponding program information has been extracted, or read, from memory in the terminal device. Implicit in the step of extracting the program information from memory is that the processor determines a range of program information to read from memory and format for display. That

is, the set of program information extracted for display is determined prior to said program information *physically being extracted*, and thus also *prior to being displayed.*

Examiner submits it would be impossible, in the context of a computer processing device, to display *any* time band of schedule information, were said time band of schedule information to be displayed not *determined* (i.e., set) *prior to displaying* (i.e., in advance) said schedule information. Therefore, Examiner submits the cited portions of Klosterman teach a set start and end time which are determined in advance.

In response to (b), Examiner submits that the cited portions of Knowles teach the claimed display time band, contrary to Applicant's arguments. As indicated in the previous Office action, and reiterated herein, Knowles discloses the theme guide may display several days of available programming, and said programming may be sorted by time (col. 20, ll. 1-8). The time sorting feature is illustrated figure 12. Examiner submits that the range of times (9:30 PM - 10:30 PM) illustrated in figure 12 represent a "display time band". More particularly, the "time band" is the band of time spanning from 9:30PM to 10:30PM. Applicant argues that this time band does not correspond to the claimed time band because there is no "set time range of the table." In response, Examiner refers to the above discussion, and reiterates that for the information to be extracted and displayed in by the program guide processor, such a time range is indeed "set," prior to said extracting and displaying.

In addition, in response to Applicant's argument that the positioning of the program cell, Examiner notes that the claim language requires that the "changed and selected program cell" is automatically positioned in a leading time band. That is, the *next* program cell to be highlighted or otherwise "selected" upon traversing a boundary of the displayed time range is automatically displayed in the leading time band. This is precisely what is described in the scrolling and paging of the time-sorted programming information discussed in Klosterman. That the positioning is "automatic" is evident in the

fact that the entire list of entries is updated in response to the cursor traversing the boundary of the time range.

Furthermore, Applicant's observations of the Knowles reference discussed at page 16 of the reply do not negate the fact that, upon attempting to select a program cell exceeding the boundary of the current display range, the changed and selected program cell (*i.e.*, next) is automatically positioned at the top of the next page of entries.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 11, and 21-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman (of record).

With regard to claims 1, 11, and 25, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising:

a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs;

a date setting device for setting a date of the program table to be displayed (cursor in region 410, fig. 4(a), col. 8, ll. 1-6); and

a displaying device (software applications, col. 5, ll. 2-6) for extracting the program information corresponding to the date set by said date setting device (410, fig. 4(a)) from among the program information obtained by said program information obtaining device (138, fig. 1), displaying the extracted program information as the program table corresponding to the date set by said date setting device (col. 8, ll. 1-5) and, if the date of the program table is changed by said date setting device, displaying the extracted program information as the program table corresponding to the changed date (i.e., if the cursor in region 410 is set to Wednesday, the schedule information displayed is for Wednesday, col. 8, ll. 2-5) with a display time band set in advance (time band displayed is automatically set to the current time, col. 8, ll. 6-9),

wherein said displaying device extracts the program information within a time range including the program which is most recently received (wherein the system automatically sets the display time range to the current time (which is inherently incident with, i.e., includes, the program which is most recently received) when moving the cursor across different days of the week, which includes the present day, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received (i.e., being received as of 8:05pm)) if the date set by said setting device is the present day (col. 8, ll. 2-9),

said displaying device extracts the program information within said display time band having a predetermined time range from a starting time to an ending time both set in advance, (time band displayed is automatically set to the current time, col. 8, ll. 6-9, when moving across different days of the week, col. 8, ll. 2-9) and within a display channel range including the channel of the program which is most recently received (where each program displayed in the channel range shown in fig. 4(a) is most recently received

(i.e., being received as of 8:05pm)), if the date set by said setting device is not the present day (col. 8, ll. 2-9).

Regarding claims 21 and 23, Klosterman discloses the program guide displaying apparatus and method according to claims 1 and 11. In addition, Klosterman discloses a time range setting device which sets said time range in accordance with a user's instructions (cursor in region 410, fig. 4(a), col. 8, ll. 1-6, where moving between different days of the week constitutes setting a time range, e.g., a user may transition from a time range corresponding to Wednesday, 4-5PM to Thursday, 4-5PM).

Regarding claims 22 and 24, Klosterman discloses the program guide displaying apparatus and method according to claims 1 and 11, wherein said displaying device starts displaying the extracted program information as the program table in accordance with a user's instruction (col. 8, ll. 1-9), and

said date setting device sets an initial date of the program table at a present day if said displaying device displays the extracted program information in accordance with the user's instruction (where the user selects the present day), and sets the date of the program table at a designated date if said setting device changes the date of the program table in accordance with the user's instruction to designate the date of the program table (where the user selects a different day of the week, col. 8, ll. 1-9).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Florin (of record).

As for claims 4 and 14, Klosterman discloses a program guide displaying apparatus and method according to claims 1 and 11, but fails to disclose if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed.

In an analogous art, Florin additionally discloses that if the date of the program table (180, figs. 16 and 17) is changed by said date setting device, said displaying device displays the program table (180) with a display channel range displayed before the date of the program table is changed (i.e., the date has been changed from Thursday 10/15 as shown in fig. 16 to Saturday 10/17 in fig. 17, col. 16, ll. 37-44, and the channel range displayed in fig. 17 is the same as the channel range displayed in fig. 16), for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify further modify the system of Klosterman to include if the date of the program table is changed by said date setting device, said displaying device displays the program table with a display channel range displayed before the date of the program table is changed, as additionally taught by Florin, for the purpose of enabling the viewer to observe scheduling content on a particular channel without having to adjust the channel range each time the date of the displayed program table is changed in a program guide displaying system.

6. Claims 5, 6, 8-10, 15, 16, 18-20, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman in view of Knowles (Knowles et al., US006505348B1).

With regard to claims 5, 15, and 26, Klosterman discloses an apparatus and corresponding method for displaying a program table (program information, col. 4, ll. 63-64), in which a plurality of program information are displayed in a 2-dimension of a time axis and a channel axis (col. 5, ll. 2-25), said apparatus comprising: a program information obtaining device (set-top box 138, fig. 1, col. 4, ll. 48-56 and 63-64) for obtaining the program information including information indicative of a program name (e.g., "The Waltons", see fig. 4(a)), a start time (e.g., 8:00, fig. 4(a)), a length of a program or an end time (e.g., 8:30, fig. 4(a)), a broadcasting channel (e.g., "FAM", fig. 4(a)) and a broadcasting date (e.g., "OCT 30", fig. 4(a)) of respective one of a plurality of programs; a displaying device (software applications, col. 5, ll. 2-6) for displaying the obtained program information as the program table including a plurality of program cells (see program cells, fig. 4(a)) as for a predetermined display time range (i.e., 8:00PM – 9:00PM, fig. 4(a)) and a predetermined display channel range (i.e., NBC, KGO, SHOW, HBO, DISN, ESPN, FAM, KRON, KPIX, fig. 4(a)); and a program cell selecting device (cursor with cursor control enabled by the user) for selecting of the program cells within the displayed program table (col. 7, ln. 45-50 & 8, ll. 6-9). Klosterman fails to disclose if the selected program cell is changed in a direction along the time axis by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the selected program cell, said displaying device displays the program table in which the start time of the changed and selected program cell is automatically positioned within a leading display time band.

In an analogous art, Knowles discloses if the selected program cell is changed in a direction along the time axis (in an embodiment where the programs in a theme subcategories are sorted by time, col. 20, ll. 1-8) by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the selected program cell, said displaying device displays the program table in which the start time of the changed and selected program

cell is automatically positioned within a leading display time band (col. 20, ll. 60-67), for the purpose of permitting the user to navigate through a plurality of pages containing program entries sorted by time.

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman to include if the selected program cell is changed in a direction along the time axis by said program cell selecting device and if the changed and selected program cell exceeds the display time range of the program table displayed before changing the selected program cell, said displaying device displays the program table in which the stat time of the changed and selected program cell is automatically positioned within a leading display time band, as taught by Knowles, for the purpose of permitting the user to navigate through a plurality of pages containing program entries sorted by time in a program guide displaying system.

As for claims 6 and 16, Klosterman and Knowles together disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15, further comprising a date setting device for setting a date of the program table to be displayed (Klosterman, fig. 4(a), 410, col. 8, ll. 2-6), wherein said displaying device extracts the program information corresponding to the date set by said date setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (i.e., where the day of week selector is set to Wednesday, schedule information for Wednesday is displayed, Klosterman, col. 8, ll. 4-9).

As for claims 8 and 18, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein said displaying said displaying device displays a cursor on the selected program cell (Klosterman, col. 8, ll. 1-9).

As for claims 9 and 19, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table with the display channel range same as before the cell is changed (Knowles, col. 20, ll. 60-67, i.e., navigating the program cell selecting device up or down in the display causes the program cell to move up or down one program, and the display channel range remains the same where the user has not navigated the cursor beyond the top or bottom of the program table).

As for claims 10 and 20, Klosterman and Knowles together disclose a program guide displaying apparatus according to claim 5, wherein, if the program cell is changed by said program cell selecting device, said displaying device displays the program table in which the channel of the changed and selected program cell is set as a leading display channel (Knowles, col. 20, ll. 60-67, where navigating the cursor beyond the bottom of the displayed program table causes the displaying device to display the next page of the program table with the changed and selected program cell (and associated channel) as a leading (first entry) display channel).

7. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klosterman and Knowles as applied to claim 5 above, and further in view of Hama (Hama et al., US006230323B1).

With regard to claims 7 and 17, Klosterman and Knowles disclose a program guide displaying apparatus and corresponding method according to claims 5 and 15 further comprising a range setting device for setting the display time range (Klosterman, fig. 4(a), 410) wherein said displaying device extracts the program information within the display time range and displays the extracted program information as the program table (400, fig, 4(a)) (Klosterman, col. 8, ll. 1-9). However, Klosterman and Knowles fail to explicitly disclose a display channel range setting device.

In an analogous art, Hama discloses a range setting device (display channel setting) for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table (col. 9, ll. 32-46), for the purpose of enabling the user to restrict the displayed program range to favorite channels (col. 9, ll. 40-42).

Consequently, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Klosterman and Knowles to include range setting device for setting the display channel range, wherein said displaying device extracts the program information within the display channel range set by said range setting device from among the program information obtained by said program information obtaining device and displays the extracted program information as the program table, as taught by Hama, for the purpose of enabling the user to restrict the displayed program range to favorite channels in a program guide displaying system.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher M. Lambrecht whose telephone number is (571) 272-7297. The examiner can normally be reached on 9:30 AM - 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the primary examiner, Christopher Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher M Lambrecht
Examiner
Art Unit 2611

CML

HAITRAN
PRIMARY EXAMINER